



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
George L. Murphy et al.

Serial No.: 09/613,535

Filed: July 10, 2000

For: METHODS FOR RECOMBINATORIAL  
NUCLEIC ACID SYNTHESIS

Group Art Unit: 1637

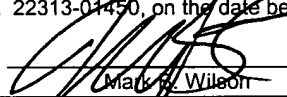
Examiner: Spiegler, A.H.

Atty. Dkt. No.: AMBI:055US

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-04450, on the date below.

February 2, 2005  
Date

  
Mark G. Wilson

**DECLARATION OF GEORGE L. MURPHY, ROBERT A. SETTERQUIST, AND  
ANDREW D. ELLINGTON UNDER 37 C.F.R. § 1.131**

We, George L. Murphy, Robert A. Setterquist, and Andrew D. Ellington, hereby declare  
as follows:

1. We are the inventors of the subject matter of all claims currently pending in the referenced patent application.
2. We understand that the Patent and Trademark Examiner found the claimed subject matter of the referenced application to be anticipated by U.S. Patent Application Serial No. 2001/0044111.
3. We are submitting this Declaration to set forth evidence that we invented the subject matter of the claimed invention prior to March 20, 2000, the priority date of U.S. Patent Application Serial No. 2001/0044111.
4. All of the work described in this declaration was performed in the United States.

5. As evidence of our conception, we attach, as Exhibit 1, pages describing all technological aspects of the invention from an invention disclosure made following Ambion, Inc. standard procedures prior to March 20, 2000.

6. The attached invention disclosure describes, for example, annealing a defined primer nucleic acid to a first single stranded nucleic acid and performing a first extension wherein a dideoxynucleotide is incorporated into the extension product (see Step 5). Step 6 describes removing the dideoxynucleotide from the extended nucleic acid. Step 7 describes denaturing the extended nucleic acid from the first template nucleic acid, annealing the extended nucleic acid to a second template nucleic acid whose sequence is not identical to the first template nucleic acid, and performing a second extension wherein a dideoxynucleotide is incorporated into the twice extended nucleic acid. Step 7 also provides that Steps 6 and 7 can be repeated a desired number of times.

7. We were diligent in reducing the claimed invention to practice from the time of the invention disclosure up to and including the July 10, 2000 filing date of the instant patent application.

8. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: \_\_\_\_\_

\_\_\_\_\_  
George L. Murphy

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Setterquist

Date: \_\_\_\_\_

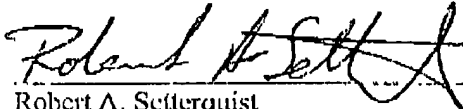
\_\_\_\_\_  
Andrew D. Ellington

8. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: \_\_\_\_\_

\_\_\_\_\_  
George L. Murphy

Date: 02-01-05

\_\_\_\_\_  
  
Robert A. Setterquist

Date: \_\_\_\_\_

\_\_\_\_\_  
Andrew D. Ellington

8. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 1/29/05

  
George L. Murphy

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Setterquist

Date: \_\_\_\_\_

\_\_\_\_\_  
Andrew D. Ellington